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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,200	12/28/2004	Antoine Bassompierre	W51.12-0015	3476
27367 7590 09/17/2007 WESTMAN CHAMPLIN & KELLY, P.A. SUITE 1400 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402-3319			EXAMINER PHAM, TUAN	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 09/17/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/501,200	<b>Applicant(s)</b> BASSOMPIERE ET AL.	
	<b>Examiner</b> TUAN A. PHAM	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, see Applicant's remark, filed on 07/24/2007, with respect to the rejection(s) of claim(s) 1-14 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made over Chen et al. (U.S. Pub. No.: 2005/0059401, hereinafter, "Chen").

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. **Claims 1, 4-5, 9, 11, and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al. (U.S. Pub. No.: 2005/0059401, hereinafter, "Chen").**

**Regarding claims 1, and 12-14,** Chen teaches a method and transmission device for management of communication in a communication network comprising at least one transmission device (read on base station)(see figure 13, base station BS3) and at least one terminal (read on remote station)(see figure 13, remote station) adapted to receiving data from the said at least one transmission device (see figure 13, the remote station is receiving the data from the base station BS3) wherein the method comprises: setting up a communication between one of the said transmission devices called the transmission device, and one of the said terminals called the receiving terminal, using a first communication mode based on a single carrier modulation (read on first mode is based on single carrier protocol)(see figure 13, col.6, [0110], the mobile station request to communication with the base station BS3 via the uplink Nr); and changeover to a second communication mode using a multiple carrier modulation, a communication channel using the said multiple carrier modulation being solely assigned to a downlink the communication between the said transmission device and the said receiving terminal (read on second mode is based on multi-carrier protocol)(see figure 13, [0110], the base station only communicate with the mobile station via only a multi-carrier downlink Wf, it is clearly seen that the base station BS3 only has a multi-carrier downlink Wf, not a multi carrier uplink); the first and second communication modes being implemented successively and alternately (see figure 13, [0110]), and wherein the changeover to the second communication mode is implemented according to at least one signaling information transmitted by the transmission device to the receiving terminal through the first communication mode (see figure 13, [0110]).

**Regarding claim 4**, Chen further teaches said first communication mode is adapted to carrying out operations for management of setting up, maintaining, and closing of a communication between the transmission device and the receiving terminal (see figure 13, [0110], base station is performed the hand-off, therefore, it perform all functions such as setup, and maintain the communication between the base station and mobile device).

**Regarding claim 5**, Chen further teaches said communication network is a mobile communication network (see figure 1).

**Regarding claim 9**, Chen further teaches said second communication mode is adapted to transmitting data at high speed between the said transmission device and the said receiving terminal (see col.6, [0079]).

**Regarding claim 11**, Chen teaches the said transmission device is a base station in a cellular communication network (see figure 6).

**4. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (U.S. Pub. No.: 2005/0059401, hereinafter, "Chen") in view of Alard (U.S. Patent No.: 6,584,068).**

**Regarding claim 2**, Chen discloses invention but fails to disclose OFDM type modulation with a guard interval. However, Alard teaches such features (see col.4, ln.27-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Alard into view of Chen in order to limited the interference as suggested by Alard at column 4, lines 62-67.

**Regarding claim 3**, Alard teaches said multiple carrier modulation is an IOTA type modulation (see col.8, ln.25-32).

**5. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (U.S. Pub. No.: 2005/0059401, hereinafter, "Chen") in view of Jou (U.S. Patent No.: 6,925,067, hereinafter, "Jou").**

**Regarding claim 6**, Chen discloses invention but fails to disclose the common channel that is intended to all the terminals managed by the said transmission device. However, Jou teaches such features (see col.10, ln.16-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Jou into view of Chen in order to use a common channel to communicate with all the mobile phone.

**Regarding claim 7**, Jou teaches said first communication mode uses at least one access channel type downlink common channel, enabling the said changeover to the said second communication mode (see col.11, ln.54-67).

**6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (U.S. Pub. No.: 2005/0059401, hereinafter, "Chen") in view of Bohnke (U.S. Patent No.: 6,567,383).**

**Regarding claim 8**, Chen discloses invention but fails to disclose uplink common channel (RACH) to acknowledge data transmitted correctly to the said reception terminal when the second communication mode is being used. However, Bohnke teaches such features (see col.7, ln.26-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bohnke into view of Chen in order to transmit the data by using the uplink channel.

**7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (U.S. Pub. No.: 2005/0059401, hereinafter, "Chen") in view of Dolgonos et al. (Pub. No.: US 2002/0147978, hereinafter, "Dolgonos").**

**Regarding claim 10**, Chen discloses invention but fails to disclose Internet type data to the said receiving terminal. However, Dolgonos teaches such features (see [0008]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Dolgonos into view of Chen in order to transmit the high-speed data.

**Conclusion**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Pham whose telephone number is (571) 272-8097. The examiner can normally be reached on Monday through Friday, 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Technology 2600  
Art Unit 2618  
September 14, 2007  
Examiner

  
Tuan Pham